

Virginia Administrative Code

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CHAPTER 321

REGULATION OF THE HARVEST AND PURCHASE OF WILD GINSENG

2VAC5-321-10. Definitions.

The following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Artificially propagated" means cultivated, woodsgrown, or any other method of producing ginseng under controlled conditions that include, but are not limited to, tillage, fertilization, and pesticide application.

"Certified wild ginseng" means wild ginseng for which the department has issued a Ginseng Inspection Certificate.

"Cultivated" means purposefully planted in beds under artificial shade using standard horticultural practices such as mechanical tillage, fertilization, weed control, irrigation, and pesticide application.

"Dealer" means a person licensed by the department pursuant to § 3.2-1007 of the Code of Virginia to buy or otherwise accept wild ginseng or parts thereof for resale.

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Person" means the term as defined in § 1-230 of the Code of Virginia.

"Prong" means a leaf with five leaflets.

"Rhizome" means a horizontal plant stem with shoots above and roots below.

"Uncertified dry wild ginseng root" means wild ginseng root that contains no moisture or that lacks sufficient moisture to remain viable and for which the department has not issued a Ginseng Inspection Certificate.

"Uncertified green wild ginseng root" means wild ginseng root that contains sufficient moisture to be viable and for which the department has not issued a Ginseng Inspection Certificate.

"Wild ginseng" means American ginseng, *Panax quinquefolius* L., that is grown with minimal human interference and is not artificially propagated.

"Woodsgrown" means purposefully planted in beds prepared in the woods in a manner that uses trees to provide necessary shade and may be grown with the use of chemical or mechanical weed, disease, or pest control agents.

Statutory Authority

§ 3.2-1002 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. August 14, 2013.

2VAC5-321-20. Regulated articles.

The plant and plant parts of wild ginseng in any life stage are regulated under the provisions of this chapter.

Statutory Authority

§ 3.2-1002 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. August 14, 2013.

2VAC5-321-30. Conditions governing the harvest of wild ginseng.

A. The harvest season for wild ginseng begins on September 1 and ends on December 31 of each year.

B. A person may not harvest wild ginseng from January 1 through August 31 of each year.

C. A person may not harvest wild ginseng that:

1. Is younger than five years of age;
2. Has fewer than four stem scars present on its rhizome; or
3. Has fewer than three prongs.

D. A person who harvests wild ginseng must plant the seeds of the harvested plant at the harvest site at the time of harvest.

Statutory Authority

§ 3.2-1002 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. August 14, 2013.

2VAC5-321-40. Conditions governing the purchase of wild ginseng.

A. A dealer may purchase certified wild ginseng at any time throughout the year.

B. A dealer may only purchase uncertified green wild ginseng root from September 1 of each year through January 14 of the following year.

C. A dealer may only purchase uncertified dry wild ginseng root from September 15 of each year through March 31 of the following year.

Statutory Authority

§ 3.2-1002 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. August 14, 2013.

2VAC5-321-50. Exceptions.

A. Pursuant to §§ 3.2-1003 and 3.2-1007 of the Code of Virginia, the provisions of this chapter do not apply to any person harvesting wild ginseng from his own land.

B. The provisions of this chapter do not apply to any person harvesting wild ginseng in accordance with a permit issued pursuant to § 3.2-1004 of the Code of Virginia.

§ 3.2-1002 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. August 14, 2013.
